

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
Alexandria Division

In re:

MONTE EVERETTE EVANS, II and  
SHANEL RENEE EVANS,

Debtors.

Case No. 06-11277-RGM  
(Chapter 13)

**MEMORANDUM OPINION**

THIS CASE was before the court on November 28, 2007, concerning proofs of claim 8 and 9 filed by Robert Sedler and proofs of claim 4 and 5 filed by Eric R. Staley.

The trustee sent a letter to Mr. Sedler and Mr. Staley stating that because they had not filed a proof of claim, no distribution would be made to them in the chapter 13 case. Both filed letters with the clerk stating that they felt that they had claims against the debtor that should be paid. There is no motion before the court for the court to determine. Neither individual filed a proof of claim. The trustee did not file and cannot file an objection to the claims because no proof of claim has been filed.

The trustee may not pay a creditor unless the creditor files an appropriate proof of claim. The bar date to file proofs of claim was February 12, 2007. (The bar date for governmental proofs of claim was April 9, 2007.) Because no proof of claim was filed by either individual, the trustee will not pay their claims. This is not an adjudication that debtor was or was not indebted to Mr. Sedler or Mr. Staley. This result arises simply because neither individual filed a proof of claim.

The matters will be removed from the docket because there is nothing before the court to adjudicate. Mr. Sedler and Mr. Staley are advised that the trustee will not be making a distribution

to them because no proof of claim was filed by or on behalf of either of them.

Alexandria, Virginia  
December 3, 2007

/s/ Robert G. Mayer  
Robert G. Mayer  
United States Bankruptcy Judge

Copy electronically to:

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Edward Gonzalez

Copy mailed to:

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